



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 Broadway
New York, NY 10007-1866

Via Electronic Mail

Paul R. Rizzo, Esq.
DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C.
15 Mountain Blvd.
Warren, New Jersey 07059
prizzo@newjerseylaw.net

Dear Mr. Rizzo:

Thank you for your January 22, 2021, letter concerning the U.S. Environmental Protection Agency's (EPA's) reevaluation of the remedy selected in EPA's 2013 Record of Decision (ROD) for the Woodbrook Road Dump Superfund Site (Site), as modified by the 2018 Explanation of Significant Differences (ESD). Your letter, written on behalf of your client, the Borough of South Plainfield (Borough), notes the Borough's concerns about the current remedy and urges EPA to modify the remedy in a cost-effective manner that takes into account the current and future anticipated land use of the Site.

As alluded to in your letter, in December 2020, EPA Region 2 publicly announced that it would conduct a technical and scientific review of the remedy selected in the 2013 ROD, as modified by the ESD. The decision to review the remedy was made by the EPA Administrator based on a recommendation from the Assistant Administrator for EPA's Office of Land and Emergency Management. This review will be conducted in accordance with the National Contingency Plan (NCP) and in coordination with the New Jersey Department of Environmental Protection, with any changes being presented to the public before a final decision is made. A copy of EPA's December 2020 Community Update announcing the technical review is enclosed for your convenience.

If, after our review, we come to the conclusion that an ESD or ROD amendment is appropriate, EPA Region 2 will follow the statutory, regulatory and procedural requirements for any such revision of the ROD remedy, including an opportunity for public comment pursuant to the procedures set forth in the NCP.

We acknowledge the Borough's opposition to construction of a temporary rail spur to transport material from the Site for disposal and will be cognizant of that concern during our re-evaluation. We also note, however, that members of the community have voiced their strong opposition to the use of trucks to transport the material, and rail transport remains a viable option for transporting material for disposal.

Your letter identifies that the Site is zoned for commercial/industrial use, but also states that the Borough would oppose both building construction and any recreational use of the Site. EPA took into account both the zoned use and the actual and reasonably anticipated use of the Site when it evaluated the risks posed by the Site, and these are among the issues that EPA will consider in its technical review. The Borough's views, as set forth in your letter, will be taken into account by EPA in that process. Similarly, consistent with the NCP, cost will also be a criterion evaluated in EPA's review.

Thank you again for your letter. Please be assured that we take seriously our responsibility to identify cost effective remedies for Superfund sites, while ensuring that the remedies are protective of public health and the environment.

We recognize the importance of this matter to the municipality. If you wish to discuss this matter further, please do not hesitate to contact Deborah Schwenk, the EPA's attorney for the Site. Ms. Schwenk's contact information is: 212-637-3149 or schwenk.deborah@epa.gov.

Sincerely,

Evangelista, Pat

Digitally signed by Evangelista,
Pat
Date: 2021.03.31 13:31:13 -04'00'

Pat Evangelista, Director
Superfund & Emergency Management Division

Enclosure

cc: Shawn LaTourette, Acting Commissioner, NJDEP
Dennis Toft, Chiesa Shahinian & Giantomasi PC
Peter Kautsky, USDOJ